

1 Richard M. Stephens
2 STEPHENS & KLINGE LLP
3 10900 NE 4th Street, Suite 2300
4 Bellevue, WA 98004
5 425-453-6206
6
7
8

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON
11 AT YAKIMA

12 ENRIQUE JEVONS, as managing
13 member of Jevons Properties LLC,
14 FREYA K. BURSTALLER as trustee of
15 the Freya K. Burgstaller Revocable Trust,
16 JAY GLENN and KENDRA GLENN,

17 Plaintiffs,

18 vs.

19 JAY INSLEE, in his official capacity as
20 Governor of the State of Washington and
21 ROBERT FERGUSON, in his official
22 capacity of the Attorney General of the
23 State of Washington,

Defendants.

No. 1:20-CV-03182-SAB

Stipulated Motion to Set
Supplemental Briefing Schedule and
Page Limits

Currently pending before the Court are the parties' Cross-Motions for Summary Judgment (ECF Nos. 22, 30). In light of the United States Supreme Court's June 23, 2021 decision in *Cedar Park Nursery v. Hassid*, ___ U.S. ___, 141 S.Ct. 2063 (2021), the parties agree that supplemental briefing regarding the impact of that case is warranted before the summary judgment hearing scheduled for August 5, 2021. *Cedar Park Nursery* addressed whether a state's access regulation constitutes a *per se* physical taking. Plaintiffs have a Takings claim that both parties have moved on.

The parties have conferred about a schedule for briefing the impact of this recent decision on the pending motions as well as appropriate brief lengths. The parties propose the following schedule:

Defendants' Supplemental Brief due on July 22, 2021 and limited to 8 pages;

and

Defendants' Supplemental Reply Brief due on August 4, 2021 and limited to 4 pages.

The parties request that the Court enter the parties' stipulated briefing schedule with the page limits as provided above.

1 Respectfully submitted this 9th day of July, 2021.

2 STEPHENS & KLINGE

ROBERT W. FERGUSON
Attorney General

3 /s/ Richard M. Stephens

4 Richard M. Stephens, WSBA #21776
10900 NE 4th Street, Suite 2300
5 Bellevue, WA 98004
425-453-6206
6 stephens@sklegal.pro

7 *Attorney for Plaintiffs*

s/ Cristina Sepe

CRISTINA SEPE, WSBA #53609
BRIAN H. ROWE, WSBA #56817
Assistant Attorneys General
JEFFREY T. EVEN, WSBA #20367
Deputy Solicitor General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 474-7744
cristina.sepe@atg.wa.gov
brian.rowe@atg.wa.gov
jeffrey.even@atg.wa.gov

Attorneys for Defendants